

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and Bernard L.
Madoff,

Plaintiff,

v.

JAMES GREIFF,

Defendant.

Adv. Pro. No. 10-04357 (SMB)

**STIPULATION AND ORDER REFERRING DISCOVERY
DISPUTE TO ARBITRATOR**

WHEREAS, on November 30, 2010, Irving H. Picard (the "Trustee"), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et. seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, filed the above-captioned avoidance action against James Greiff (the "Defendant", and with the "Trustee", the Parties);

WHEREAS, on October 4, 2016, Judge Bernstein entered an Order Appointing a Discovery Arbitrator Pursuant to Bankruptcy Rule 9019(c) and General Order M-390 (the "October 4 2016 Order") appointing the Honorable Frank Mas (ret.) (c/o Jams, Inc. as Discovery Arbitrator (the "Discovery Arbitrator") to resolve disputes that may arise and which have been specifically referred to him by the Court with the consent of the Parties;

WHEREAS, on November 28, 2016 the Trustee noticed the Deposition of Defendant for December 9, 2016;

WHEREAS, Defendant raised objections to the deposition on several grounds; and

WHEREAS, the Parties have conferred in good faith and are unable to resolve their differences.

IT IS THEREFORE MUTUALLY AGREED AND STIPULATED, by and between the Parties, as follows:

1. The Parties agree that the dispute relating to Defendant's deposition shall be resolved consistent with the procedures outlined in the October 4 Order
2. The Parties agree that within five (5) business days of the entry of the order approving this Stipulation, the Defendant will transmit via email a letter summarizing the dispute of no more than three (3) pages, excluding exhibits, to the Discovery Arbitrator, as contemplated in paragraph 7 of the October 4 Order.
3. The Parties agree that within ten (10) business days of the entry of an order approving this Stipulation, the Trustee will transmit via email a letter response not to exceed three (3) pages, excluding exhibits, to the Discovery Arbitrator, as contemplated in paragraph 8 of the October 4 Order.

4. The Parties agree that the Discovery Arbitrator shall thereafter establish procedures for the resolution of the dispute, as contemplated in paragraph 8 of the October 4 Order.

5. Except as expressly set forth herein, the Parties to this Stipulation reserve all rights and defenses they may have.

6. During the period of this referral, the Parties agree to stay the December 9, 2016 deadline to conclude fact discovery and enter into a new Case Management Notice upon conclusion of the referral.

[The remainder of this page intentionally left blank]

Dated: December 8, 2016

Of Counsel:

BAKER & HOSTETLER LLP

811 Main Street, Suite 1100

Houston, Texas 77002

Telephone: (713) 751-1600

Facsimile: (713) 751-1717

Dean D. Hunt

Email: dhunt@bakerlaw.com

/s/ Nicholas J. Cremona

David J. Sheehan

Email: dsheehan@bakerlaw.com

Nicholas J. Cremona

Email: ncremona@bakerlaw.com

BAKER & HOSTETLER LLP

45 Rockefeller Plaza

New York, New York 10111

Telephone: 212.589.4200

Fax: 212.589.4201

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Estate of Bernard L. Madoff*

By: /s/ Carole Neville

Carole Neville

Email: carole.neville@dentons.com

DENTONS US LLP

1221 Avenue of the Americas

New York, New York 10020

Telephone: 212.768.6700

Fax: 212.768.6800

Attorney for Defendant

SO ORDERED

Dated: December 8th, 2016
New York, New York

/s/ STUART M. BERNSTEIN

HON. STUART M. BERNSTEIN

UNITED STATES BANKRUPTCY JUDGE